IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.449 OF 2006
IN
SUIT NO.3644 OF 1990

M/s.Depro Plantequip Consultants Pvt.Ltd. ...Plaintiffs

V/s.

Oil & Natural Gas Commission & Anr. ...Defendants

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Ms.Deepali Bhalerao i/b Bilawala & Co. for Plaintiffs.

Mr.R.K.Singh i/b M/s.Vyas & Bhalwal for Defendant No.1.

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CORAM: A.M.KHANWILKAR, J.

JULY 26, 2007.

P.C.

1. Counsel for the Plaintiffs submits that inspite of intimation sent to the Plaintiffs, no instructions are forthcoming. She further states that in this peculiar situation, the Advocate on record for the Plaintiffs will have to take discharge.

2. As of now, there is no formal application by the Advocate on record for the Plaintiffs in that behalf. In the circumstances, there is no reason to defer the hearing of this Chamber Summon further.

3. Chamber Summons has been filed in April 2006. No reply has been filed to counter the explanation offered in the affidavit in support of the Chamber Summons. As the ground set out in the accompanying affidavit has remained uncontroverted, although there is delay of 3780 days, in the interest of justice, I think it appropriate to accept the request of the Defendant No.1 which is Government of India Undertaking, so that, the matter can proceed on merits and not on account of default committed by some Officer or the Advocates for the said Defendants.

4. Accordingly, Chamber Summons made absolute in terms of prayer clauses (a) and (b).

5. As the Suit will be notified on 23rd

August 2007, it will be open to the Advocate on record for the Plaintiffs to apply for discharge, if so advised, well in advance.

A.M.KHANWILKAR, J.